

Serial No. 10/751,010
Docket No. SHE0059.00

REMARKS

I. Introductory Comments

In the Office Action under reply, the Examiner has: withdrawn 35 U.S.C. §112, second paragraph, rejections in items 7 and 9 on pages 3 and 4 of the Office Action of August 23, 2006; maintained the 35 U.S.C. §102(b) rejection in item 10 on page 4 of the Office Action of August 23, 2006; and withdrawn the 35 U.S.C. §103(a) rejection in item 12 on page 6 of the Office Action of August 23, 2006.

In addition, the Examiner has made final the restriction requirement as set forth in items 1-5 on pages 2 and 3 of the Office Action of August 23, 2006; rejected claims 1-4, 6-9, and 11-14 under 35 U.S.C. §112, first paragraph, for reasons of enablement; and rejected claims 3 and 7-9 under 35 U.S.C. §102(b) as being anticipated by Orthner (U.S. Patent No. 3,301,831).

II. Amendments to the Claims

Claims 1-9 and 11-14 were previously pending. Claims 1 and 11 are amended. Claims 5, 10 and 15-20 have been canceled without prejudice. As a consequence, claims 1-4, 6-9 and 11-14 remain under consideration.

Support for the changes to the claims is identified below. Additional support other than that identified below may exist in the originally filed application for one or more changes to the claims.

Claims 1 and 11 have been amended to recite the subject matter of claim 5. As claim 5 is an originally filed claim, no new matter has been added to claims 1 and 11.

As support for the changes is found in the application as filed, no new matter is introduced by the entry of the above-identified changes. The changes to the claims are made for clarification purposes only should not be interpreted as acquiescence in any claim rejection.

III. The Restriction Requirement

The Examiner has made final the requirement for restriction set forth in the Office Action of August 23, 2006. In an effort to expedite examination only, Applicants have canceled the non-elected claims (i.e., claims 10 and 15-20) and reserve the right to prosecute the subject matter of these claims in one or more applications claiming priority to the present application.

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In view of the above, it is believed that Examiner's concerns with regard to the restriction of the claims have been addressed.

IV. The Rejections Under 35 U.S.C. §112, First Paragraph

The Examiner has rejected claims 1-4, 6-9 and 11-14 under 35 U.S.C. §112, first paragraph, for reasons of enablement. In particular, the Examiner has alleged that the presence of the term "derivative" renders the rejected claims as not enabled for all derivatives. In order to expedite prosecution and without acquiescing in any claim rejection, Applicants have amended claims 1 and 11 (the only independent claims) to recite a "derivative" of a specified structure.

In addition, the Examiner has pointed out that claim 6 lacks sufficient antecedent basis for the terms "POLY," "X" and "Y." Claim 1 (from which claim 6 depends) has been amended to include the terms "POLY," "X" and "Y."

In view of the above, it is believed the rejection of claims 1-4, 6-9 and 11-14 under 35 U.S.C. §112, first paragraph, has been addressed. Reconsideration and removal of the rejection are respectfully requested.

V. The Rejection Under 35 U.S.C. §102(b)

In total, claims 1-4, 7-9 and 11-14 stand rejected under 35 U.S.C. §102(b) as allegedly being anticipated by Orthner et al. (U.S. Patent No. 3,301,831). Ostensibly, the Examiner has taken the position that each and every element of the rejected claims can be found in Orthner et al.

Applicants appreciate, however, the Examiner's indication of the allowable subject matter encompassed by claims 5 and 6. In an effort to expedite prosecution and without acquiescing in any claim rejection (and further reserving the right to prosecute the subject matter of claim 1 in one or more applications claiming priority to the present application), Applicants have incorporated the subject matter of dependent claim 5 into claim 1. It is also believed that the recitation in claim 11 of the subject matter in claim 5 renders claims 11-14 as patentable as well.

In view of the above, it is believed the rejection of claims 1-4, 6-9 and 11-14 under 35 U.S.C. §102(b), has been addressed. Reconsideration and removal of the rejection are respectfully requested.

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VI. Conclusion

In view of the foregoing, Applicants submit that the pending claims satisfy the requirements of patentability and are therefore in condition for allowance. Reconsideration and withdrawal of all objections and rejections are respectfully requested and a prompt mailing of a Notice of Allowance is earnestly solicited.

If a telephone conference would expedite the prosecution of the subject application, the Examiner is requested to call the undersigned at (650) 620-5506.

Respectfully submitted on behalf of
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